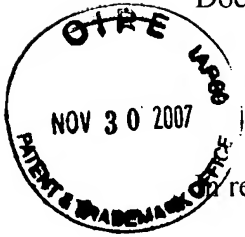


Docket No.: 95-496

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



re Application of:

PETERSON *et al.*

Serial No.: 10/628,427

Group Art Unit: 2616

Filed: July 29, 2003

Examiner: YUEN, Kan

For: ARRANGEMENT FOR CONTROLLING CONGESTION FOR MULTIPLE HOST
GROUPS SHARING A SINGLE SIGNALING POINT CODE IN AN IP-BASED
NETWORK USING RESPECTIVE GROUP CONGESTION LEVELS

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Nonfinal Official Action mailed November 1, 2007, Applicant hereby submits the following remarks.

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1-15 and 25-33 are pending in the application.

Claims 1, 9, and 25 stand rejected under 35 USC §103 in view of U.S. Patent Publication No. 2003/0108067 to Craig et al. in view of U.S. Patent Publication No. 2006/0078008 by Bordonaro et al. This rejection is respectfully traversed, because Bordonaro et al. is not available as a reference under 35 USC §103(c).

In particular, Bordonaro et al. has a November 29, 2005 filing date after the July 29, 2003 filing date of the subject application, but is a continuation of U.S. Patent No. 6,996,225. Both

Response filed November 30, 2007
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Bordonaro et al. and U.S. Patent No. 6,996,225 were published after the July 29, 2003 filing date of the subject application. As described below in the Statement of Common Ownership, neither Bordonaro et al. nor U.S. Patent No. 6,996,225 are available as a reference under §103(c). Hence, this §103 rejection should be withdrawn. See MPEP §706.02(I) at pages 700-54 to 700-55 and 700-59 to 700-60 (Rev. 3, Aug. 2005).

STATEMENT OF COMMON OWNERSHIP:

At the time the invention claimed in the subject application was made, the subject application 10/628,427 and U.S. Patent No. 6,996,225 to Bordonaro et al. were owned by, or subject to an obligation of assignment to, the same entity (Cisco Technology, Inc. of San Jose, California).

At the time U.S. Patent Application Publication No. 2006/0078008 was filed on November 29, 2005 (claiming priority from U.S. Patent No. 6,996,225), both U.S. Patent Application Publication No. 2006/0078008 and the subject application 10/628,427 were owned by, or subject to an obligation of assignment to, the same entity (Cisco Technology, Inc. of San Jose, California).

Conclusion

It is believed the dependent claims are allowable in view of the foregoing.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-496, and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L R Turkevich', with a stylized flourish at the end.

Leon R. Turkevich
Registration No. 34,035

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(202) 261-1059
Date: November 30, 2007